IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3813 of 1984

For Approval and Signature:

Hon'ble CHIEF JUSTICE MR DM DHARMADHIKARI
and
Hon'ble MR.JUSTICE RAVI R.TRIPATHI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

CHATRA YUVA SANGARSH VAHINI

Versus

GOVERNMENT OF GUJARAT

Appearance:
MR GIRISH PATEL for Petitioner No. 1-8
Mr.N.D. Gohil, ASSTT GOVERNMENT PLEADER for
Respondent No. 1-2

CORAM : CHIEF JUSTICE MR DM DHARMADHIKARI
and
MR.JUSTICE RAVI R.TRIPATHI

Date of decision: 30/08/2001

ORAL JUDGEMENT (Per : CHIEF JUSTICE MR DM DHARMADHIKARI)

This petition is on behalf of the tribals living in the area declared reserved forest by the Forest Department of the State of Gujarat. In this petition directions have been sought against the authorities restraining them from evicting the tribals from the forest as that would amount to deprivation of their right to life and livelihood. In the course of the long pendency of this petition in which this Court as back as on 13.8.1984 constituted a committee comprising of the authorities of the State, Departments of Agriculture and Forest to put the facts and material for the purpose of protecting right to life and livelihood of the tribals, it is now reported that the Government has already taken a Resolution dated 5.10.1992 by which it has been decided to identify tribals who were living and carrying on agriculture in the reserved forest area to protect their right of life and livelihood. A cut off date has also been fixed for identification of such tribals. However, several problems arose as no records are available of their cultivating rights and place of residence in the reserved forest area. On such grievances made on behalf of the tribals, in two petitions, namely, Special Civil Applications No.7373 of 1996 and 7375 of 1996 Division Bench of this Court made final directions which are contained in the order dated 5.5.1997, a copy of which has been placed before us. Directions made in the above petitions read as under:

> "It is therefore, directed that the respondent authorities shall consider these representations and suggestions and in consultation with this kind of voluntary organisations, take a decision on these representations. The petitioners to make fresh representation within three months and the authorities shall consider the same within 3 months thereafter and the decision taken by the Government will be communicated to the petitioners and till such time, interim relief shall continue. .. .. "

2. We adopt the directions made by the Division Bench in Special Civil Applications No.7373 of 1996 and 7375 of 1995 (supra) dated 5.5.1997 and permit the petitioner to make a suitable application to the authorities within the period of 3 (three) months so that in accordance with the Government Resolution dated 5.10.1992 right of life and livelihood of the tribals in the reserved forest gets due protection.

3. The petition is disposed of in terms of the above

directions. Rule is made absolute accordingly. No order as to cost.

(D.M. Dharmadhikari, C.J.)

(Ravi R. Tripathi, J.)

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